

SECOND REGULAR SESSION

SENATE BILL NO. 815

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR BARTLE.

Read 1st time January 21, 2010, and ordered printed.

TERRY L. SPIELER, Secretary.

3644S.011

AN ACT

To repeal sections 168.106, 168.745, and 168.747, RSMo, and to enact in lieu thereof five new sections relating to elementary and secondary education.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 168.106, 168.745, and 168.747, RSMo, are repealed
2 and five new sections enacted in lieu thereof, to be known as sections 168.106,
3 168.745, 168.747, 171.015, and 171.017, to read as follows:

168.106. The contract between a school district and a permanent teacher
2 shall be known as an indefinite contract and shall continue in effect for an
3 indefinite period, subject only to:

4 (1) Compulsory or optional retirement when the teacher reaches the age
5 of retirement provided by law, or regulation established by the local board of
6 education;

7 (2) Modification by a succeeding indefinite contract or contracts in the
8 manner hereinafter provided;

9 (3) The death of the teacher;

10 (4) Resignation of the teacher with the written consent of the school
11 board;

12 (5) Termination by the board of education after a hearing as hereinafter
13 provided; [and]

14 (6) The revocation of the teacher's certificate; and

15 (7) **A decision by the teacher to follow the teacher choice**
16 **compensation package under sections 168.745 to 168.750 in a district**
17 **and give up the right to an indefinite contract.**

168.745. 1. There is hereby created the "Teacher Choice Compensation

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

2 Package" to permit performance-based salary stipends upon the decision of the
3 teacher [in a metropolitan school district] as described in section 168.747 to
4 reward teachers for objectively demonstrated superior performance.

5 2. There is hereby created the "Teacher Choice Compensation Fund" in
6 the state treasury. The fund shall be administered by the department of
7 elementary and secondary education. The state treasurer shall be custodian of
8 the fund and may approve disbursements from the fund in accordance with
9 sections 30.170 and 30.180, RSMo.

10 3. The teacher choice compensation fund shall consist of all moneys
11 transferred to it under this section, and all moneys otherwise appropriated to or
12 donated to it. Notwithstanding the provisions of section 33.080, RSMo, to the
13 contrary, any moneys remaining in the fund at the end of the biennium shall not
14 revert to the credit of the general revenue fund. The state treasurer shall invest
15 moneys in the fund in the same manner as other funds are invested. Any interest
16 and moneys earned on such investments shall be credited to the fund.

17 4. The general assembly shall annually appropriate five million dollars
18 to the fund created in this section.

168.747. 1. To be eligible for the teacher choice compensation package,
2 all classroom personnel [in a metropolitan school district] reported as a code
3 forty, fifty, or sixty through the core data system of the department of elementary
4 and secondary education shall opt out of his or her indefinite contract under
5 **section 168.106 or** section 168.221 for the duration of employment with the
6 district. A teacher may decide to end his or her eligibility for the teacher choice
7 stipend but may not resume permanent teacher status with that district. A
8 probationary teacher may opt out of consideration for a permanent contract in the
9 second or subsequent years of employment by the district to participate in the
10 teacher choice compensation package but may not return to permanent status in
11 that district or resume the process for qualification for an indefinite contract in
12 that district. A teacher who has chosen the teacher choice compensation package
13 and changes employment to another district may choose to resume the process for
14 qualification for an indefinite contract in that district[. The teacher choice
15 compensation package shall only be available for teachers in a metropolitan
16 school district] **or may choose to remain in the teacher choice**
17 **compensation package of the district.**

18 2. Teachers shall qualify annually in October for the stipends described
19 in section 168.749. Stipends shall be offered in five thousand dollar increments,

20 up to fifteen thousand dollars, but shall not exceed fifty percent of a teacher's
21 base salary, before deductions for retirement but including designated pay for
22 additional duties such as coaching, sponsoring, or mentoring. Any stipend
23 received under section 168.749 shall be in addition to the base salary to which the
24 teacher would otherwise be entitled. Teachers receiving the stipend shall receive
25 any pay and benefits received by teachers of similar training, experience, and
26 duties. Such stipends shall not be considered compensation for retirement
27 purposes.

28 3. Subject to appropriation, the department of elementary and secondary
29 education shall make a payment to the district in the amount of the stipend, to
30 be delivered as a lump sum in January following the October of qualification. If
31 the amount appropriated is not enough to fund the total of five thousand dollar
32 increment payments, the department may prorate the payments.

33 4. Every person employed by the district in a teaching position, regardless
34 of the certification status of the person, who qualifies under any of the indicators
35 listed in section 168.749 is eligible for the teacher choice compensation
36 package. Teachers who are employed less than full-time are eligible for teacher
37 choice stipends on a prorated basis. Any teacher who is dismissed for cause who
38 has otherwise qualified for a teacher choice stipend shall forfeit the stipend for
39 that year.

**171.015. 1. The board of education of any school district, upon
2 adoption of a resolution by the vote of a majority of all its members to
3 authorize such action, may adopt a year-round educational program for
4 the public schools of the school district. The vote shall take place at a
5 public meeting of the board of education.**

**6 2. The school calendar for a school district that has adopted a
7 year-round educational program shall include an opening date and
8 ending date for the school year.**

**9 3. Upon adoption of a year-round educational program, the board
10 of education shall notify the commissioner of education within seven
11 business days.**

**12 4. Any school district that adopts a year-round educational
13 program shall meet all other educational requirements.**

**14 5. For purposes of this section, the term "year-round educational
15 program" shall mean an educational program in which all students
16 attend school no fewer than the number of days required for a school**

17 term, as provided in subdivision (9) of section 160.011, between July 1
18 and June 30 of each school year and in which no vacation, including
19 summer, lasts more than four weeks.

171.017. 1. The board of education of any school district, upon
2 adoption of a resolution by the vote of a majority of all its members to
3 authorize such action, may offer two start dates for kindergarten for
4 children who have attained the statutorily required age of eligibility
5 for kindergarten. The school district may group children according to
6 their date of birth to begin kindergarten on one of the start dates.

7 2. Any school district that adopts such a resolution shall offer:

8 (1) One start date for kindergarten that occurs on the opening
9 date of the school year; and

10 (2) One start date for kindergarten that occurs approximately
11 halfway through the school year.

12 3. Any school district that adopts such a resolution shall allow
13 parents to have their child or children start kindergarten on the start
14 date of choice.

Bill ✓

Copy